

**REMARKS**

Reconsideration of the Final Office Action of February 22, 2008 is respectfully requested, and entry of the presented claim amendments for the purpose of placing the application in immediate condition for allowance or in better form for appeal.

Applicant would like to thank Examiner Cartagena for the courtesies extended to Applicant's representative during the interview of June 12, 2008. In conformance with the discussion held in that interview the claims have been amended as summarized below:

(A) Claim 1 has been amended to read as the now canceled claim 26 presented in the last amendment (thus claim 26 and intermediate claims 25, 24 and 23 have been canceled).

(B) Dependent claim 2 has been amended to conform with the current wording of claim 1.

(C) Dependent claim 27's dependency has been changed from 26 to 1.

(D) Claim 20 has been amended to remove redundant language relative to newly amended claim 1.

(E) Claim 30 has been amended to remove redundant language relative to newly amended claim 1.

(F) Independent claim 35 reads the same as former (now canceled) dependent claim 40.

(G) Dependent claim 41 has its dependency changed to claim 35 in view of claim 40 being canceled.

(H) Remaining withdrawn claims 45 and 51-53 have been canceled.

(I) Dependent Claim 58 has been rewritten as independent claim 58 (58/57/1).

(J) Claim 63 has been canceled.

(K) Dependent claim 64 (64/1) now has been rewritten in independent fashion.

(L) Independent claim 65 has been rewritten in the form of the prior claim 69 (69/65) with claim 69 now canceled.

During the interview a sample of an embodiment of the present invention was provided and a discussion as to the relative forces that are involved and how the inclusion of a port fixing ring relative to the metal ports in the embodiment of the prior art reference would not provide for the claimed locking means of claim 1. That is, during the interview there was a discussion of the disclosed invention and the arrangement of, for example, a cold flow material fluid reception chamber and the compression device compressing that cold

flow material (which can provide for the function of environmental flow conformance with the application of sufficient compression force relative to the "captured" cold flow material). However, as noted in the specification (e.g., see the discussion on pages 11 to 15 of the present application) and as described during the interview, that ability to compress the cold flow material creates the potential for a shifting of the fluid mixing chamber against the compressive force direction as when the binding level is sufficient to overcome, at least temporarily, the compression force level.

It was further noted that the level of binding can vary over time (e.g., increase binding attraction forces over time) particularly as the components degrade over time. When the level of binding reaches the level of the initial compressive force working against the cold flow material, it is possible for the fluid mixing chamber to initiate a shift together with the compression device as the rod and bound fluid mixing chamber is pulled back into the compression device. Since the level of the binding forces will vary over time, there is the potential for a period where the binding force is sufficient to initiate movement of the fluid mixing chamber relative to the compression device, only to have it release and move back in the compression force bias direction. As discussed in the application, even slight adjustments can lead to misalignments (both axial and rotative) in the ports and there is the potential for slight misalignments to lead to added binding and more misalignment as in following a period of stick-release-adjust/ stick-release-adjust/ stick-release-adjust, etc.

Also, it was appreciated during the interview that the fitting ring 63 is designed for fixing in position the underlying port as to have the forward curved port face at a proper location without the need for high tolerance in manufacturing (See Col. 8, lines 35 to 50). Thus, there is only a slight extension (limited area contact) which, as described in the prior response, is considered by the inventor to be far below the level needed to avoid adjustment in the cold flow block when it becomes temporarily bound to the rod at a level that could initiate movement of the Bellville stack used to force the cold flow block forward at a sufficient level to enable the cold flow seal function of the captured cold flow block. As noted in the last response, it is considered that at the point that this minimal surface area and the configuration of contact would result in the minimal ring contact area cutting through the cold flow block like a knife through butter. The relied upon fitting ring 63 is also of a design that extends into the cold flow block and thus the rejection relies on a cavity formed in the cold flow block.

The discussion below is directed at the rejections and is made relative to the current independent claims and how they are respectfully submitted to be patentably distinct over the applied art.

As noted above, current claim 1 represents the previously presented claim 26 written in independent fashion and includes the feature of the locking means being a cold flow material and the locking means comprising an enlarged portion received in a reception area of the housing. Thus, claim 1 (rewritten claim 26) features a housing having a cold flow material, compression means, and locking means for prevention of a pull back in the fluid reception chamber upon a binding of the rod with the fluid reception chamber relative to compression means which compresses the reception chamber in a compression direction toward the discharge end of the dispenser. As recognized in the interview the applied references relative to claim 26 with the asserted ring 63 of Bertram as the locking means fails to present an arrangement wherein the locking means is of a cold flow of material and includes an enlarged portion of the fluid reception chamber received in a housing reception. Also, as discussed in the interview the locking means is sufficient to provide for preclusion of misalignment generating adjustments when the binding forces reaches a level that could counteract the compression means force acting on the cold flow fluid reception chamber (which level of compression is used to maintain the desired cold flow material characteristics and thus has a level sufficient to do the same). It is respectfully submitted that this interrelationship between the cold flow fluid reception chamber, the locking means and the housing provides an arrangement not disclosed or suggested in the prior art applied and discussed during the interview (including the fact that Bertram alone which was utilized in an anticipation rejection raised against former claim 26 fails to disclose or suggest such an arrangement with its inwardly directed fit ring being received in the port cavity upper region which does not provide sufficient locking means force levels in the environment and arrangement shown in Bertram).

As to the current independent claim 35 (which represents a combination of previously presented claim 40 (35 + 40)), there can be seen a similar beneficial arrangement as like the above for claim 1 in that there is provided the ability to compress the cold flow material (as with a compression device that is suited for forcing the material forward in the compression direction (which can impart as well the disadvantage of going back the other way when the binding level reaches (at least temporarily before release) similar forces as the compression device were it not for the beneficial arrangement of claim 35 with its means for preventing

such an occurrence via a male/female locking arrangement). Further, claim 35 features having the prevention means in contact with a cap (e.g., the front cap which helps contain the cold flow material being compressed and subjected to a flow condition when needed). Claim 40 was rejected in the Office Action as being considered obvious based on Bertram and Brown. Again, there is lacking a similar arrangement as that presented in current claim 40 and there is further lacking means for preventing movement as in the male/female locking members that are in contact with the closure cap (the press fit ring relied upon is part of the mixing port and thus has to be well upstream from the closure cap and thus is not suited for contact with a closure cap as featured in claim 40).

Independent claim 58 features a cold flow fluid reception chamber together with a compressing device and a locking means providing radially expanded forward end of the fluid reception chamber and a forward most positioned cap to limit axial movement of the flow material being axially biased by the compression device. Thus, claim 58 provides the above described beneficial arrangement not appreciated in the art between the locking means, compression device and cold flow material fluid reception chamber. In the Office Action, claim 58 was said to be anticipated by Bertram. As noted above, Bertram fails to show an expanded end providing a locking function with its inwardly directed fitting ring of minimal surface area whose sole function is to facilitate alignment of the port curvature with lower tolerance level requirements.

While presented in different fashion, independent claim 61 (formerly presented as dependent claim 62) features an equally patentably distinguishable combination of features as in an enlarged forward end (claim 62) providing the above described preclusion of a pull back by the rod upon the binding being of a level that could alter the state of the compression device. This arrangement of features is not in anyway disclosed or suggested by Bertram which was said to anticipate claim 62 in the final rejection. Thus, for the reasons set forth above, it is respectfully submitted that claim 61 is also in immediate condition for allowance.

Relative to independent claim 64 (formerly dependent but currently independent), this claim also features a patentably distinguishing combination of features including a radially extending off projection of cold flow material received in a recess in the housing and which performs a locking means function like that described above while working in conjunction with a compression device that, while providing for cold flow material conformance to its reception area, also introduces the potential for adjustments during cycles of stick-release were it not for the locking means of the present invention which is arranged relative to both

the compression device and the housing in a fashion not disclosed or suggested in the prior art.


For example, claim 64 was rejected based on a combination of Bertram and Wisbey. A review of these references reveals that they fail to disclosed the claimed arrangement of the present claim 64. That is, Wisbey features.

In view of the foregoing it is respectfully submitted that all claims are allowable and that the application stands in condition for allowance. Favorable reconsideration at the Examiner's earliest convenience is thus respectfully requested.

If for any reason any fee is deemed required relative to this filing, authorization is given to charge deposit account no. 02-4300 for such fee.

Respectfully submitted,  
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